

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO.18 OF 2006
IN
LETTER PATENT APPEAL NO.462 OF 2005

Dinesh Ananda Jadhav ...Applicant
Vs.
The Vice Chancellor
Yashwantrao Chavan Maharashtra Open
University, Gangapur Road, Nashik & Ors....Respondents

Mr.G.M.Joshi for Applicant

CORAM: R.M.S.KHANDEPARKAR &
SMT.ROSHAN DALVI, JJ.
DATED: 3RD APRIL, 2006

P.C.

1. Heard.

2. This is an application for condonation of delay of 179 days in filing L.P.A. The ground for delay disclosed in the application is that the mother of the applicant was not well for about 4 months and 15 days and therefore, the applicant had to stay at his native place at Nashik along with his family members for nursing the old aged mother, as no other family members were there to look after her. As there was no sufficient documentary material placed on record in support of the claim of the illness of the mother and the necessity of the applicant to remain along with his mother at the native place, time was granted and the matter was adjourned from 20th March, 2006 to this date. The affidavit filed today merely

discloses that the mother of the applicant suffers from various ailments and she was under medical treatment since 30th March 2006. The copy of the certificate of the doctor, which is stated to have been issued by Dr. Pravin Supe of Nashik, discloses that Mrs. Kusumbai Jadhav was under his treatment, since 23rd March 2005 on account of bronchitis. She was admitted in the hospital for 2 days i.e. on 21st August 2005. Apart from these materials, there is nothing on record to disclose that there was sufficient cause for the delay of 179 days in filing the appeal. The delay is during the period from 17th June 2005 to 1st December 2005. There is nothing placed on record to disclose that the presence of the applicant for all 24 hours near his mother was absolutely necessary for nursing her. Considering the medical certificate, it is apparent that the mother of the applicant was suffering from bronchitis and for such ailments, as per the common knowledge, the presence of other persons throughout 24 hours, except when there are bronchitis attacks to the patient, is not necessary. Certificate apparently discloses that the mother of the applicant was required to be given indoor treatment in the hospital from 21st August 2005 till 23rd August 2005 only.

. It is also to be noted that all other documents placed on record disclose that the treatment given to the mother is in the month of August 2005 and

not thereafter.

3. In these circumstances, absolutely no material is placed on record to justify the delay of 179 days to file appeal. Hence, the application for condonation of delay is dismissed. Consequently, the Letter Patent Appeal also stands disposed of.

(SMT.ROSHAN DALVI, J.) (R.M.S.KHANDEPARKAR, J.)